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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,270	08/19/2003	Remy Zimmermann	09623V-045300US	5170

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

SURVILLO, OLEG

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/644,270	Applicant(s) ZIMMERMANN ET AL.	
	Examiner Oleg Survillo	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/29/2006, 08/14/2006</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Last name of the first named inventor is spelled differently on the title page of specification and Declaration.

Appropriate correction or statement indicating that both names are used is required.

The disclosure is objected to because of the following informalities:

Paragraph [0021] has a typo wherein Fig. 3 is written twice.

Paragraph [0027] line 7 incorrectly refers to network (130) as network (120).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 9-12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Best, JR. et al. (2005/0034147) hereinafter refers to as Best.

As to claim 1, Best shows an information capture module comprising presence detector (220) that is capable of being used for capturing the multimedia information in the vicinity of a machine on which the user is using the IM application (paragraph [0009] lines 4-7, paragraph [0029] lines 21-25). Best shows an information extraction and analysis module comprising visual identification logic that is communicatively coupled with the information capture module (paragraph [0023] lines 14-16) and is capable of being used for extracting relevant information from the captured multimedia information (paragraph [0023] lines 13-19). Best also shows an information interpretation module that is communicatively coupled with the information extraction and analysis module comprising presence detector instructions (216) that are capable of being used for interpreting the extracted and analyzed information for the IM application, wherein the interpreted information can be used for updating the IM application (paragraph [0028], paragraph [0029] lines 1-11).

As to claim 2, Best shows that the multimedia information comprises at least one of audio information, still image information, and video information (paragraph [0023] lines 15-16, paragraph [0005] lines 16-18).

As to claims 9 and 14, Best shows employing motion detection techniques for extracting relevant information from the captured multimedia information for detecting motion (paragraph [0022] lines 10-24).

As to claim 10, Best shows employing face recognition techniques for extracting relevant information from the captured multimedia information (paragraph [0023] lines 3-5 and 17-19).

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As to claim 11, Best shows receiving the captured multimedia information (paragraph [0028] lines 1-5) wherein the multimedia information comprises video images (paragraph [0023] lines 15-16). Best shows extracting and analyzing relevant information from the captured multimedia information (paragraph [0023] lines 13-19). Best also shows interpreting the analyzed information for the IM application comprising determining whether computer should take any action based on at least in part on the received information (paragraph [0028] lines 5-8). Best shows providing the interpreted information to the IM application comprising updating a presence database (paragraph [0039] lines 12-13) and communicating the presence database information to a computer of user B (paragraph [0039] lines 14-15). Best also shows updating the IM application based on the provided information comprising changing a GUI icon associated with user A (paragraph [0039] lines 19-25).

As to claim 12, Best shows updating the status of a user on the IM application (paragraph [0039] lines 19-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3-6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best, JR. et al. (2005/0034147) hereinafter refers to as Best in view of Mora (2004/0162882).

As to claim 3, Best shows receiving the interpreted information and updating the IM application regarding the user (paragraph [0039] lines 19-25).

Best does not explicitly show an Application Program Interface module for the IM application that is communicatively coupled to the information interpretation module.

Mora shows an API that is used for receiving information and updating the IM application regarding the user comprising a Personal Information Manager (PIM) that interfaces availability and presence information and automatically indicates the users' availability state to others (paragraph [0020]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Best by having an API module in order to receive the interpreted information and updating the IM application regarding the user (paragraph [0039] lines 19-25 in Best).

As to claims 4 and 5, Best shows updating the user's status on the IM application (paragraph [0039] lines 19-25) wherein the user's status comprises at least one of available, busy, on the phone, and away from the desk (paragraph [0039] lines 19-22).

As to claim 6, Best shows updating the user's identity comprising determining the identity of the user (paragraph [0023] lines 16-19, paragraph [0035]).

Best does not show that user's identity is updated on the IM application.

Mora shows that user's identify is updated on the IM application comprising entering IM buddy change state (144) in the event of detecting motion (paragraph [0035]) and changing buddy status to one from the list (paragraph [0019] lines 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Best by updating the user's identity on the IM application in order to take appropriate action such as changing buddy status in response to the identified user's presence (paragraph [0036] in Best).

As to claim 15, Best shows updating the identity of the user comprising determining the identity of the user (paragraph [0023] lines 16-19, paragraph [0035]).

Best does not show that identify of the user is updated on the IM application.

Mora shows that identify of the user is updated on the IM application comprising entering IM buddy change state (144) in the event of detecting motion (paragraph [0035]) and changing buddy status to one from the list (paragraph [0019] lines 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Best by updating the identity of the user on the IM application in order to take appropriate action such as changing buddy status in response to the identified user's presence (paragraph [0036] in Best).

As to claim 16, Best shows that the extraction and analyzing step comprises recognizing a face (paragraph [0023] lines 3-5 and 17-19).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Best, JR. et al. (2005/0034147) hereinafter refers to as Best in view of Mora (2004/0162882) in further view of Mastrianni et al. (2002/0114519).

As to claim 7, Best in view of Mora shows all the elements except for logging out a previous user, and logging in the user on the IM application.

Mastrianni shows that updating the user's identity comprises logging out a previous user, and logging in the user comprising logging in the user at step (316) Fig. 3 and logging out the user at step (320) Fig. 3 wherein the previous user is the user that was previously logged in.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Best by logging in and out the user in order to update the user's identity when the user walks away from computing device at step (320) in Mastrianni.

7. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best, JR. et al. (2005/0034147) hereinafter refers to as Best in view of Toyama (2006/0193494).

As to claims 8 and 13, Best shows all the elements except for employing face tracking techniques for tracking a face.

Toyama shows employing face tracking techniques for extracting relevant information from the captured multimedia information for tracking a face (paragraph [0034] lines 1-3, paragraph [0035]).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method of Best by employing face tracking techniques for extracting relevant information from the captured multimedia information for tracking a face in order to determine if the user is looking at the monitor and cease speech recognition if the user is turned away (paragraph [0035] in Toyama).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oleg Survillo whose telephone number is 571-272-9691. The examiner can normally be reached on M-Th 7:30am - 5:00pm; F 7:30am - 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner: Oleg Survillo

Phone: 571-272-9691

Date: March 28, 2007



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER